

B) REMARKS:**1. Introduction**

Claims 1-7, 10, 11, 13-16, 18 and 19 are currently pending in this application. Claims 1, 18 and 19 are independent. Claims 8, 9 and 12 have been canceled herein without prejudice. Certain amendments to claims 1, 13, 18 and 19 have been entered herein in response to the Examiner's rejections, as detailed hereinbelow.

Other amendments to the pending claims have also been made to clarify the scope of that which the Applicants regard as his invention, and are not meant to limit the scope of such claims as existed prior to such amendments or limit the applicability of any equivalents thereto.

No new subject matter has been added to this application by these amendments.

2. Objection to the Drawings

In paragraph 1 of the Office Action, the Examiner has required correction to the drawings that illustrate the subject matter set forth previously in claim 8. Claim 8 has been canceled herein, and consequently, the question of whether the drawings properly illustrated the original subject matter of claim 8 is moot.

Therefore no revisions to the drawings are believed to be necessary. Reconsideration and withdrawal of this objection to the drawings is therefore respectfully requested.

3. Objections to the Specification

In paragraph 2 of the Office Action, the Examiner has objected to the Specification as failing to provide proper antecedent basis for "first bushing" as recited previously in claim 8. Claim 8 has been canceled herein, and accordingly this objection to the specification is made moot.

4. Rejection of Claims under 35 U.S.C. §112

In paragraph 3 of the Office Action, the Examiner has rejected claims 9, 12 and 13 under 35 U.S.C. §112, first paragraph, as "containing subject matter which was not described in the Specification...."

Applicant has canceled claims 9 and 12 without prejudice herein. Therefore, the rejection of these claims is deemed moot.

Claim 13 has been amended to delete reference to the friction being adjustable. Accordingly the rejection of claim 13 on these grounds is deemed moot. Claim 13 has been amended to recite "a bushing disposed on a bolt of the second geared shaft in contact with the first bracket, for dampening a rotation of the second geared shaft." This recitation is readily supported in paragraph 0021 and FIGS. 3-5. Bushings are well known elements and have functions that are well known to those of skill in the art. The tightening or loosening of a bolt 30 as described in paragraph 0021 will, in cooperation with the bushing placed as shown in FIGS. 3-5, increase or decrease the dampening of the rotation of the second (or front) geared shaft in a manner that can be readily appreciated by those of ordinary skill in the art.

Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

In paragraph 4, of the Office Action, the Examiner has rejected claim 1 under 35 U.S.C. §112 as indefinite since it is "unclear as to whether the 'toilet' is intended to be part of the claimed combination." Since the claimed apparatus may be manufactured or sold without a toilet, it is not intended to be part of the claimed combination. Reference to the placements of the claimed elements with respect to a toilet, however, is deemed important to distinguish the features of the claimed apparatus and its distinctions over existing devices.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

5. Rejection of Claims under 35 U.S.C. §102(b) and §103(a)

In paragraphs 5-9 of the Office Action, the Examiner has rejected each of the pending claims in view of U.S. Patent No. 2,705,330 to Knudsen, or Knudsen in view of U.S. Patent No. 1,863,682 to Alberts. These rejections have each been overcome by the following amendments

entered to the Applicant's independent claims 1 and 18 herein, in which variations of the following recitations have been entered:

(a) a first bracket and a second bracket for placement between a tank and a rear edge of a bowl of the toilet, the first bracket disposed on a left side of the bowl and the second bracket disposed on a right side of the bowl, the first bracket and the second bracket for securing a plurality of geared shafts to the toilet;

(b) a first geared shaft, disposed between the first and second brackets closer to the tank, that rotates in response to a depression of a lever; and

(c) a second geared shaft, disposed between the first and second brackets closer to the bowl, operatively engaged with the first geared shaft such that a rotation of the first geared shaft causes a rotation of the second geared shaft.

Support for these recitations can be found, inter alia, in the Applicant's Specification at:

- a) elements 21 and 22 of FIGS. 3-5 and paragraphs 0019-0021 of the Specification;
- b) element 25 of FIGS. 3-5 and paragraphs 0019-0023 inclusive.
- c) element 29 of FIGS. 3-5 and paragraphs 0019-0023 inclusive.

This functionality is neither taught nor suggested by any of the prior art of record, or by any combination of the teachings of the same.

First, none of the prior art of record, or any combination of the same, teach the placement of a first bracket on a left side of the toilet bowl and a second bracket on the right side thereof as now recited. These brackets then secure the geared shafts along the entire width of the bowl, and not just on one side thereof, as previously argued by the Applicant. The recitation of "on" in place of "towards" is meant to reinforce this distinction and is readily shown in FIGS. 3-5 and described in the corresponding text. Applicant agrees that Knudsen in particular does not show or suggest such placement of the brackets.

In addition, none of the prior art of record, or any combination of the same, teach the use of two separate geared shafts as recited by the Applicant in elements (b) and (c). While the references do teach use of gears, geared shafts are distinguishable in that the length along the

back of a toilet bowl greatly exceeds their radius. (see FIGS. 3-5 of the application). Gears, on the other hand, typically have a radius that is greater than their width. The use of geared shafts, and not simple gears, contributes to the durability of the Applicant's design, as referenced in paragraph 0009 of the Specification and the length of the geared shafts are a distinction of the gears in the Knudsen and remaining references, which shows gears disposed only on one side of a toilet.

Applicant readily disagrees that the prior art of record teaches or suggests the existing recitation of "the first and second geared shafts secured between a pair of brackets that are disposed on opposite sides of a bowl of a toilet" in claim 19. As stated previously, each of the references disclose gears (not geared shafts) and do not teach the disposal of geared shafts along the toilet bowl such that the brackets are on opposing ends of the bowl. In each case, the gears in the cited references are disposed only on one side of the bowl.

In light of the foregoing, reconsideration and withdrawal of these rejections of claims 1, 18 and 19 for the reasons above are respectfully requested. Reconsideration and withdrawal of the rejection of each remaining dependent claim is likewise respectfully requested based on their ultimate dependency of one the independent claims.

6. Conclusion

This amendment is responsive to each issue raised in the Office Action dated October 7, 2004. All objections to the drawings and specification, as well as rejections of pending claims have been overcome above. The Applicant therefore respectfully requests allowance of each of the pending claims as presented herein, and issuance of the present application.

The undersigned representative requests a telephonic interview with the Examiner, if it will advance the prosecution of this application.

In the event that a further extension of time is required in addition to that requested previously herein, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time, or credit any overpayment, to the below-signed practitioner's deposit account number: 502396.

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Respectfully submitted,

By: 

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